REMARKS

Claim Objections:

Claim 22 was provided with the wrong status identifier. Correction has been made.

Section 112 Rejection to Claim 32:

The Examiner noted a minor informality in claim 32. Suitable amendment has been made.

Section 102 and 103 Rejections:

(a) Claim Status:

The Examiner rejected the pending claims over Melton, or Melton in view of Ziemek. Claim 36 is the only independent claim.

(b) Amended Claim 36:

Claim 36, as now amended, describes two features seen in Fig. 11, as follows.

First, claim 36 now describes filter (114) being ***removable*** from frame (112).

An advantage of filter 114 being removable is that different filters can be used at different times, and for different results. For example, shorter filters can be used for brewing coffee, since coffee drips through the filter and falls into the beverage cup below. Coffee filters are not submerged in water, but instead are positioned above the water line with water dripping out of them, and into the cup below. In contrast, tea filters are submerged below the water line, with the tea flavor slowly being released into the cup.

As such, an advantage of filter 114 being removable is that shorter filters (that are above the water line) can be inserted when brewing coffee, whereas longer filters (that extend below the water line) can be inserted when steeping tea.

Another advantage of filter 114 being removable is that it is very easy to clean.

Yet another advantage is that the device could be used without a filter at all, for example, as a place to hold an individually packaged teabag or a coffee pod.

Secondly, claim 36 now describes frame (112) having at least one ***hole (113) through which fluid level in beverage cup (111) is visible when top lid (115) has been removed*** to pour water into removable filter (114).

Advantages of this feature includes the following. A user simply looks through hole (113) to view the fluid level in cup (111) when the water is being poured into filter (114). By viewing the water level, the user will not overfill the cup (111). This is especially important since in the case of coffee, since the bottom end of the filter should preferably remain above the water level (as described above). In contrast, when steeping tea, the bottom end of the filter should preferably remain below the water level (as also described above).

(c) The Presently Claimed Invention Distinguished:

Melton does not claim the two features of: a ***removable*** filter (114); and a frame (112) having a ***hole (113) through which fluid level in beverage cup (111) is visible*** when top lid (115) has been removed.

Melton's filter is not removable, as claimed. Instead, Melton's filter is an integral part of its frame/lid. See Melton's Figs. 1 and 2. This presents a serious problem. Specifically, the bottom end of the Melton filter always remains submerged in the water when a user is drinking from the device. This problem is best seen in Melton's Fig. 3. Although Melton's device may be suitable for steeping some teas, it is unsuitable for brewing coffee.

Secondly, Melton has no holes similar to Applicant's holes (113) through which the water level can be seen when water is added to the cup. Instead, the user simply watches the water rise up into the filter itself! Again, this may be suitable for steeping some teas, it is unsuitable for brewing coffee.

Thirdly, in the presently claimed invention, the user ***removes*** lid (115) ***prior to pouring water*** into cup (111). In contrast, Melton's lid/frame and filter all make up a single infusion device (as shown in Fig. 2. In Melton, water is poured through the open top hole (38 in Fig. 1) in the lid. In the present invention, lid (115) does not have a water hole passing there through. Instead, lid (115) is removed prior to pouring water into the cup. Thus, another important advantage of the present design is that frame (112) and its filter (114) can be slipped into an existing drinking cup (111) having a standard "run-of-the-mill" lid (115). In contrast, the Melton device can not be retrofitted under a standard "run-of-the-mill" cup lid.

Lastly, with the present invention, the lid of the cup is the only part of the device that needs to be secured when drinking. In contrast, in Melton, both the lid and its attached filter have to be secured prior to drinking. This increases the potential for a user to burn him/herself. Moreover, Melton's leash or strap 722 (Fig. 12) makes handling of its cup cumbersome while drinking.

In view of the forgoing, claim 36 (and all claims depending therefrom) are believed to be in condition for allowance.

New Claims 39 and 40:

New claims 39 and 40 have been added.

Claim 36 describes the at least one hole (113) in frame (112) being positioned adjacent to removable filter (114) as seen in Fig. 11.

Claim 40 describes a top end of removable filter (114) being positioned above hole (113) in frame (112) as also seen in Fig. 11.

CONCLUSION

For the reasons presented above, all pending claims are believed to be in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner believes that it would facilitate prosecution, the Examiner is requested to contact Applicants' Attorney, David R. Heckadon at (415) 875-3266.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1990 and please credit any excess fees to such deposit account.

Respectfully submitted,

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